

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

Case No. 5:23-cv-12837

PREPARED FOOD PHOTOS, INC. f/k/a  
ADLIFE MARKETING &  
COMMUNICATIONS CO., INC.,

Plaintiff,

v.

SAAD WHOLESALE INC.  
d/b/a SAAD HALAL MEATS,

Defendant.

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**PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE**

Plaintiff Prepared Food Photos, Inc. f/k/a Adlife Marketing & Communications Co., Inc (“Plaintiff”) hereby files this response to the Court’s January 5, 2024 Order to Show Cause (the “Order”) [D.E. 11], and states as follows:

1. The Order requires Plaintiff to file a written response as to why the instant case should not be dismissed for failure to prosecute, pursuant to E.D. Mich LR 41.2.
2. On November 7, 2023, Plaintiff filed its Complaint.
3. On November 9, 2023, Defendant was served with a copy of the Summons and Complaint in this action. See D.E. 8.
4. Defendant’s response/answer to the Complaint was due November 30, 2023.
5. On or about November 28, 2023, undersigned counsel was contacted by Jeffrey Thennisch, Esq. and John Perrin, Esq., counsel for defendant Saad Wholesale Inc. (“Defendant”), who requested a 30-day extension of time. Undersigned counsel had no objection to the requested extension of time. Accordingly, on December 2, 2023, Defendant filed a Motion for Extension of

Time to file its Answer. See D.E. 10.

6. On December 6, 2023, the Court entered a text-only Order granting Defendant's Joint Motion for Extension of Time allowing Defendant to file its Answer by December 30, 2023.

7. On December 29, 2023, undersigned counsel was contacted by Mr. Thennisch requesting an additional 30-day extension of time. Undersigned counsel had no objection to the requested extension of time.

8. As the docket in this action reveals, Defendant failed to file any Answer or otherwise respond to the Complaint by December 30, 2023, and Defendant had not filed a Motion for Extension of Time to file its Answer.

9. On January 5, 2024, six days after Defendant's Answer to the Complaint was due, the Court issued an Order to Show Cause ("Order"). On January 8, 2024, Plaintiff's counsel contacted counsel for Defendant regarding Defendant's obligation to file its response to the Complaint and/or the Motion for Extension of Time to file its Answer. Defendant's counsel indicated he would file the Motion for Extension of Time. A copy of the January 8, 2024 email communication with Defendant's counsel is attached hereto as **Exhibit "A."**

10. On January 11, 2024, Plaintiff's counsel made a second attempt to contact counsel for Defendant regarding Defendant's obligation to file its response to the Complaint and/or the Motion for Extension of Time to file its Answer.

11. On January 12, 2024, Mr. Perrin emailed undersigned counsel that he was going to make an appearance in this matter.

12. Given Defendant's counsel's request for an additional extension and subsequent response that the Motion for Extension of Time to file its Answer would be filed, Plaintiff's counsel did not file a Motion for Clerk's Default.

13. At this time, Defendant has filed the Joint Motion for Extension of Time.

14. For the reasons set forth above, the Court should not dismiss this action for failure to prosecute.

Dated: January 12, 2024.

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By: /s/ Daniel DeSouza  
Daniel DeSouza, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will electronically serve all counsel of record.

/s/ Daniel DeSouza  
Daniel DeSouza, Esq.